

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO. 22-20275-CR-COOKE**

UNITED STATES OF AMERICA,  
Plaintiff,

Vs.

LAVON MOSS, JR.,  
Defendant(s).

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**CRIMINAL PRETRIAL CONFERENCE AND TRIAL SCHEDULING ORDER**

PLEASE TAKE NOTICE that the above-entitled cause is hereby set for Criminal Jury Trial before the Honorable Marcia G. Cooke, Judge for the United States District Court, Southern District of Florida in the United States Courthouse - 400 North Miami Avenue, Miami, Florida, Courtroom 11-2 during the two-week period commencing **Monday, August 29, 2022 at 9:30 a.m.**, or as soon thereafter as the case may be called.

PLEASE TAKE FURTHER NOTICE that a Calendar Call will be held on **Wednesday, August 24, 2022 at 3:00 p.m.**, before Judge COOKE, at the aforementioned address. At the Calendar Call, the Court will assign each case a number for trial. All cases will remain on the calendar until tried or until counsel receives further notice from the court. Additionally, counsel shall make all motions for continuance in writing.

1. A Pretrial Conference will not be held unless requested by counsel.
2. All requests for Writs Ad Testificandum must be filed not later than 14 business days prior to the first day of the scheduled trial period to insure adequate time for processing.
3. If the case is a Jury Trial, counsel shall prepare and submit to the Court, at the Calendar Call, any proposed Voir Dire questions necessary to elicit information concerning prospective jurors other than identity and general background information.

In addition, counsel shall submit to the Court, at the Calendar Call, proposed jury instructions, in typed form. Eleventh Circuit Pattern Jury Instructions, 2010 Edition shall be used unless otherwise noted. In addition, counsel shall provide the Court, electronically, with a Word file incorporating the proposed jury instructions and verdict forms.

4. All responses to the Standing Discovery Order and/or Local Rule 88.10 shall be provided timely. Noncompliance can result in sanctions. Fed. R. Evid. 404(b) notices shall include in writing a specific factual basis for the evidence sought to be introduced. The rule requires "the prosecution to provide notice, regardless of how it intends to use the extrinsic act evidence at trial, i.e., during its case-in-chief, for impeachment, or for possible rebuttal." Fed. R. Evid. 404(b) Advisory Committee's note to 1991 amendments.

5. The Government and the defense shall strictly comply with Local Rule 88.10(P), which requires the preparation of a written statement signed by all parties describing discovery material exchanged and agreed upon trial stipulations. The parties will also acknowledge in the written statement that they have read the Courts Criminal Trial Scheduling Order.

6. Initial and supplemental discovery responses provided "out-of-time" shall include a statement in the first paragraph of the response explaining why Criminal Discovery was not complied with in a timely fashion.

7. All motions in criminal cases shall comply with Local Rule 88.9. Motions in criminal cases shall be filed within 28 days from the arraignment of the defendant to whom the motion applies, except that motions arising from a post-arraignment event shall be filed within a reasonable time after the event. Any motions for continuance must be filed no later than ten days prior to the date of the calendar call.

8. All counsel shall submit to the Court, at the Calendar Call, a typed list of proposed witnesses and/or exhibits to be presented at trial. All exhibits which will be offered into evidence must be pre-labeled in accordance with the proposed exhibit list. Exhibit labels shall include the case number.

Labels may be obtained from the Clerk of Court. Counsel shall also submit to the Court in writing any Motions in Limine regarding trial issues at the Calendar Call.

9. Counsel are instructed that arrangements for appropriate clothing for Defendants in custody must be made with the Bureau of Prisons at least seven (7) days prior to the scheduled trial date.

10. Counsel are instructed to notify the Court if an interpreter is required at least 24 hours prior to any hearing or trial.

11. Any attorney seeking exoneration of a cash bond shall obtain a copy of this Court's form Motion for Disbursement of Bond from the Courtroom Deputy.

12. If either party seeks to introduce transcript(s) at trial, the moving party shall present a copy to all counsel not less than ten (10) days prior to the scheduled trial date. If a transcript cannot be agreed upon, each party shall produce their own version of the transcript for presentation to the trier of fact. Government counsel shall notify the case agent/client agency of this requirement.

13. Prior to trial, counsel shall reduce all stipulations to writing.

14. All motions shall be accompanied by a written statement certifying that counsel for the moving party has conferred with opposing counsel in a good faith effort to resolve by agreement the subject matter of the motion as required by Local Rule 88.9.

15. All motions for continuance must be in writing and filed with the Clerk of the

Court at least 48 hours prior to the Calendar Call.


Motions for continuance will not be favorably considered unless the parties have complied with Local Rule 88.10 (P), which requires the filing of a written statement describing all discovery material exchanged.

16. If defense counsel foresees that a sentencing hearing will take more than thirty (30) minutes, the Courtroom Deputy shall be advised not later than five (5) days prior to the hearing.

17. Defense counsel who have or will represent witnesses, co-defendants, targets, or subjects in this or any other related criminal case shall notify the Court immediately so that a Garcia Hearing can be scheduled to resolve any potential or actual conflicts of interest. It is the desire of the court that all Garcia hearings be conducted as close to the time of arraignment as possible.

18. Discovery disclosure shall be made in compliance with Local Rule 88.10(Q). Untimely produced discovery by any party is subject to exclusion.

**DONE AND ORDERED** at Miami, Florida this 13<sup>th</sup> day of July 2022.

  
KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE  
for Marcia G. Cooke, United States District Judge